



EPA Region 5 Records Ctr.



360708

Amoco Oil Company

200 East Randolph Drive
Post Office Box 6110 A
Chicago, Illinois 60680

Certified Mail P16 2199299
Return Receipt Requested

LPC 11911501

Madison

Wood River/ Amoco-Riverfr

ILD 960503106

September 14, 1984

Mr. Kenneth G. Mensing,
Southern Regional Manager
Field Operations Section
Division of Land Pollution Control
Environmental Protection Agency
117 West Main Street
Collinsville, Illinois 62234

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SEP 17 1984

ILL. E.P.A. - D.L.P.C.
STATE OF ILLINOIS

Dear Mr. Mensing:

This letter is in response to yours dated August 31, 1984, received at our offices on September 4, 1984. In your letter, you ask for our interpretation of the applicability of the Illinois Environmental Protection Act and IPCB regulations to the installation of a slurry wall and a clay cap at an impoundment at the Amoco Wood River Refinery.

It is our interpretation that the activities at the river front area in 1980 and 1981 are not subject to Illinois or U.S. EPA RCRA rules for a number of reasons:

1. The site is an inactive CERCLA site reported to U.S. EPA under Section 103(c) of that Act. Hazardous waste disposal had ceased prior to November 19, 1980, thus, the site is not subject to RCRA or the identical Illinois hazardous waste rules.
2. Interim Status or RCRA permit requirements apply only to hazardous waste treatment, storage or disposal facilities that operated on and after November 19, 1980. As noted above, said activities ceased prior to November 19, 1980. The installation of the slurry wall and clay cap in 1980 and 1981 were not regulated treatment, storage, or disposal operations.
3. We do not have a copy of the USEPA clarification memo concerning "Inactive/Active Storage and Disposal Facilities" that you referred to and would appreciate your sending us a copy. However, we think it is a little unfair to try to apply a 1984 interpretation to an activity that was conducted and concluded in 1980 and 1981.

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4. Your office was provided with a complete description of the proposed Amoco activity at the site, including monthly progress reports and a detailed memo titled, "Solid Waste Disposal Program Including Closure Plan For River Front Disposal Area," starting in the summer of 1980. Your office did not object to the activity, but was in fact very supportive of it. It's a little late to raise objections after the passage of four years and the expenditure by Amoco of over \$2 million on the project. In addition, and most importantly, enclosed are two documents which establish that formal notice was given by Amoco to IEPA on December 1, 1980, explaining Amoco's plan to install the slurry wall and clay cap. IEPA's response was sent to Amoco on January 28, 1981, and it stated unequivocally:

"The closure plan which you have developed and propose to implement is acceptable to the Agency."

5. The IEPA has already taken an enforcement action on this site so that the enforcement action suggested in your letter has already occurred. This earlier enforcement action was commenced by IEPA's issuance of an Enforcement Notice, IEPA No. 5500, on March 10, 1980. Amoco's activities at the site were in response to and in settlement of the 1980 IEPA enforcement action.

We have always had a good working relationship with the IEPA and we certainly would like to continue to work with you to assure the continued compliance of the Wood River facility with all applicable environmental requirements. After you have reviewed this response, we would be pleased to sit down with you if you have any further questions about this matter.

Yours truly,



J. G. Huddle, Director
Environmental Control & Planning
Mail Code 1203

JGH:ab

Attachment